



Regulatory Violation Base Penalty Chart

This chart is an excerpt from the [TABC Administrative Rules](#). To read the full [TABC Penalty Policy for Regulatory Violations](#) or the [Penalty Calculation Worksheet for Regulatory Violations](#), visit the [TABC Violations page](#).

§34.3 Sanctions for Regulatory Violations

(a) Regulatory violations of the following statutory and rule provisions will be assessed a base penalty of \$250, \$500, or \$1,000 as shown in this chart:

\$250		\$500		\$1,000	
Failure to Display Permit or License	§§11.04 and 61.01	Permit Minor in Package Store	§109.53	Open Saloon - Sale to Non-Member	§§32.01 (a), 32.17 (a)(1) and 32.17 (b)
Failure to Timely File Monthly Report	§§201.075 (DS & Wine), 201.53 (Ale), 203.13 (Beer)	Cash Law	§§61.73 and 102.31; Rule 45.131	Conspiracy to Receive Unlawful Benefit	§104.03
Failure to Pay State Franchise Tax	§§11.61(b)(5), 61.712	Credit Law	§102.32; Rule 45.121	Inducement	§§102.04 (b)(6); 102.07 (a)(8); 102.12; Rule 45.110
Failure to Pay State Hotel Tax	§§11.61(b)(5), 61.712	Private Club - Storage of Alco. Bev. not Owned by Members	§32.01(a)(1); Rules 41.51 and 41.52	Unlawful Agreement	§102.16
Failure to Maintain Acceptable Gross Receipts or Sales Tax Bond	§28.17	Inspection Refusal - Regular Business Hours	§32.12	Illegal Contract/Alternating Brewing/Manufacturing	§§12.06 or 62.14
Failure to Maintain Acceptable Alco. Bev. Excise Tax Bond	§§204.01 - .03	Maintaining a Noisy Establishment	§11.61(b)(9)	Illegal Contract Distilling - Spirits	§§11.06; 14.01
Failure to Maintain Acceptable Conduct Surety Bond	§§11.11(a)(2), 61.13; Rule 33.24	Maintaining an Unsanitary Establishment	§11.61(b)(9)	Refilling Distilled Spirits Bottle on Licensed Premise	§28.08
Failure to Report Corporate Change	§28.04 and Rule 41.48	Brand Substitution w/o Customer Consent	§§28.081; 104.04; 61.74(a)(13)	Permitting Removal of Alco. Bev. from Premise	§§28.10, 32.17(a)(4)

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Possession of Unauthorized Alco. Bev.	§§25.09, 26.01(a), 69.12, 71.04	Poss. of Distilled Spirits w/o ID Stamp (Local Dist. Stamp)	§§28.15(a); 32.20(a)	Sell/Deliver Alco. Bev. while under Suspension	§11.68
Failure to Maintain Acceptable State Sales Tax Bond	§11.61(b)(8)	Failure to Invalidate ID Stamps	§28.09(a); Rule 41.71(h)	Soliciting Alcoholic Beverages	§104.01
Failure to Pay State Sales Tax	§§11.61(c)(2), 61.712	Mixed Bev. – Possession of Un-invoiced/Unauth orized Alco. Bev.	§28.06 (a), (b)	Operating without Required Permit or License	§§11.01, 61.01
Failure to Pay or Report Mixed Bev. Gross Receipts or Sales Tax	§§11.61(b)(5), 61.712	Possession of Alco. Bev. Unfit for Consumption	§103.07	Permit Consumption of Beer at Off-Premise Location	§71.01
Failure to Maintain Performance Bond	§11.61(b)(8), 61.71(l)	Sell/Deliver Alco. Bev. in Open Container	§§ 22.11, 24.10	Store Alco. Bev. Off Licensed Premise	§§69.10, 71.06
Failure to Timely Provide Records	§§5.32, 5.44 (a)(6)	Acquired Alco. Bev. from Another Retailer	§§69.09, 71.05	Subterfuge	§11.05, 109.53
Failure to Maintain or Properly Document Invoices	§5.32; Rules 41.23, 41.25	Purchase of Alco. Bev. while on Delinquent List	§102.32; Rule 45.121(g)	False/Misleading Statement in Application, Document, Report Etc.	§§11.46 (a)(4), 11.61(b)(4), 61.43(a)(4), and/or 61.71(a)(4) and (11)
Failure to Operate under the Required Tradename	§§61.05, 108.52(c)	Consignment Sale of Alco. Bev.	§§102.07(a)(4); 61.71(a)(8)	Illegal Interior Signage	§61.74(a)(1); Rule 45.113(d)
Outdoor Advertising Violation	Code Chapter 108	Sale away from Licensed Premise	§§11.06, 61.06, 32.17(a)(4)	Prohib. Relationship with Different Levels of Industry	§§102.01; 102.07; 102.15
Failure to Post Required Sign	§§11.041, 11.042, 26.05, 61.11, 61.111, 71.10, 104.07; Rule 31.4	On-Premises Promotions	Rule 45.103	Sale to Respondent on Delinquent List	§102.32(d)
Food & Bev. Permit Holder: Incomplete / Missing Records	§5.32; Rule 33.5(l) and (n)	Session Class Size Exceeds 50	Rules 50.6(a), 50.26(b)(1), (b)(17)	No Permanent Food Service Facility at Addressed Location	§§25.13, 28.18, 32.23, 69.16; Rule 33.5(f)(2)
Failure to Complete or File Excise Tax Report	§5.32, Rule 41.45	Failure to Place Retailer on Delinquent List	Rule 45.121	Ineffective Instruction	Rules 50.3(e), 50.4(b), 50.5(b)

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Failure to Meet Trainer Certification Requirements	Rule 50.26(b)	Failure to Report Cash Law Violation	§102.31(c); Rule 45.131(e)	Illegal Sampling / Tasting Event	§§16.01(c), 24.12, 26.08, 37.01, or 52.01
Failure to Properly Issue Trainee Certificates	Rule 50.9(b), (c)	Failure to Report Credit Law Violation	§102.32(e); Rule 45.121	Program Taught by Uncertified Trainer	Rule 50.25(c)
Failure to Properly Schedule/Cancel Training Session	Rule 50.10(a), (b)	Transporting w/o Required Invoice	§§22.08, 23.04, 24.04; Rule 35.1(d)	In-House Program Certified Non-Employees	Rule 50.8
Failure to Meet Testing Requirements	Rule 50.26(b)(19)	Records Incomplete or Missing	§32.13; Rule 41.52	Exclusive Outlet	§§102.13, 109.08
Failure to Meet Requirements-Sch/Pgm Certification	Rule 50.13	Membership/Membership Committee Violations	§§32.09, 32.16; Rule 41.52(c)(1)	Commercial Bribery	§102.12
Failure to Properly Prepare/File Session Reports	Rule 50.10(e)	Improper Financial Transactions	§32.06	Prohibited Interest	§§22.06, 51.06, 102.03, 102.04, 102.09, 102.10, 102.11, 102.18
		No Written Consent to Scan DL/ID	§109.61(b); Rule 41.52(g)	Unauthorized Manufacturing/Brewing Activity	§§11.01, 61.01
		Adequate Food Service Not Available	Rule 33.5(f)	Transporting Liquor w/out Required Transport Permit	§§11.01, 41.01, 42.01, 43.03, 44.01
		Food Items Not Prepared/Assembled on Premises	Rule 33.5(e)(1)	Unauthorized Sale/Brew Products for On-Premise Consumption	§12.052
		Alcohol Sale Hours beyond Food Sale Hours	Rule 33.5(g)	Place / Manner - Violated Waiver Order	§§11.61(b)(7), 61.71(a)(17), and Rule 35.31 (b)
		Unauthorized Sale/Brew Products for Off-Premise Consumption	§12.052	Place / Manner - Over Serving	§§11.61(b)(7), 61.71(a)(17), 32.17(a)(8); Rule 35.31
		Engage in Promotional Activity w/o License/Permit	§§50.001; 35.01; 36.01	Place / Manner - Assaultive Offenses	§§11.61(b)(7), 61.71 (a)(17), 32.17(a)(8); Rule 35.31(c)

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	Illegal Stocking/ Shelving/ Product Rotation	§ 102.20; Rule 45.109
	Unauthorized Market Research	§§ 108.06, 102.07; Rule 45.113(b)(4)
	Unauthorized Sweepstakes Contest	§§ 102.07(e), 108.061; Rule 45.106
	Unauthorized Coupon	§§ 102.07(d), 108.06; Rule 45.113
	Failed to Meet Labeling Requirements	§§ 37.07, 101.67
	Illegal Bar Spending	§§ 102.07(g)(2), 102.15(b)(2); Rules 45.113, 45.117
	Illegal Refund/ Exchange by Wholesaler/ Distributor	§§ 11.61(b)(2), 61.74(a)(1), 104.05(d), (e)
	Possess/ Transport/ Store Illicit Beverage	§ 103.01
	Food Service Not Available/ Adequate (Private Club)	§ 32.03(g); Rule 41.52(e)
	Failure to Maintain ID Stamp Reports	Rule 41.71(d)
	Possess Un- Affixed ID Stamps	§§ 28.151, 32.201
	Unauthorized Repackaging of Alco. Bev.	§ 104.05
	Unauthorized Breakdown & Sale of Alco. Bev. Co-packs	§§ 102.07(a)(5), 108.035; Rule 45.120(c)
	Unauthorized Sale of Alco. Bev. to a Retailer	§§ 23.01(a)(2), 24.01(a)(2), 25.01(a)(1),

\$250	\$500	\$1,000
	26.01(a), 69.01, 71.01.	

(b) The penalty chart in subsection (a) of this section is non-exclusive; the absence of a statute or rule from the chart does not limit the commission's statutory authority to enforce compliance with the Code and its rules by assessing administrative penalties.

(c) Penalties assessed pursuant to subsection (a) of this section may be augmented or discounted based upon the number of violations and other circumstances surrounding the violation, according to the commission Penalty Policy in effect on the date of the issuance of the Notice of Violation.

(d) The number of days of license or permit suspension offered to the respondent in lieu of the penalty shall be commensurate with the penalty assessed under this section and calculated according to the commission Penalty Policy in effect on the date of the issuance of the Notice of Violation.

(e) The Penalty Policy shall be publicly available and published on the commission's web site.

(f) The commission shall review the Penalty Policy and update or revise it as necessary at least once every seven (7) years.

(g) Nothing in this rule shall be construed to limit the commission's authority to suspend or cancel a license or permit under §§11.38, 11.61, 32.17, 61.71, 201.075, or any other provision of the Code authorizing suspension or cancellation of a license or permit.

Note: Original Rule Effective: March 1, 2021